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EXTRA SESSION

OCTOBER 10 TO 15

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OF THE
HOUSE OF REPRESENTATIVES

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STATE OF MICHIGAN

EXTRA SESSION, 1900

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LEWIS M. MILLER

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HOUSE OF REPRESENTATIVES.

Wednesday, October 10, 1900.

Pursuant to a proclamation of His Excellency, Hon. Hazen S. Pingree, Governor of the State of Michigan, the members of the House of Representatives assembled in their hall in the capitol in the city of Lansing.

The Speaker, Hon. Edgar J. Adams, called the House to order at 12 o'clock noon.

Prayer by Rev. Mr. Hunt.

The roll of the House was called by the Clerk, and the following members answered to their names:

Mr. Aldrich	Mr. Gustin	Mr. Nash
Alward	Hall	Nevins
Anderson	Hammond	Niedermeier
Babcock	Handy	Randall
Brownell	Hatzenbuehler	Read, J. H.
Burch	Heck	Robinson
Burdick	Heineman	Rulison
Burfoot	Herrig	Scully
Buskirk	Hofmeister	Shisler
Caldwell	Kelly	Soper
Carton	Kerr	Stewart
Chamberlain	Kingott	Stumpenhusen
Chandler	Locher	Sutherland
Colby	Lugers	Taziman
Collins	Lusk	Van Camp
Davis	McCall	Waterbury
Dickinson	McCallum	Watters
Dingley	McKay	Wayne
Doyle	McLean	Weier
Eikhoff	McLeod	Wheeler
Fleischhauer	Mason	Whitney
Gillette	Miller	Wood
Goodrich	Moore	Woodruff
Goodyear	Murdoch	Speaker
Gordon		

The following members were found to be absent: Messrs. Baumgaertner, Bryan, Cheever, Colvin, Crosby, Dudley, Duff, Foster, Gillam,

Goodell, Gray, Hart, Howell, Keep, Laflamboy, Murphy, Oberdorffer, Pack, Pearson, Phillips, G. W. Reed, W. A. Reed, Schmidt, Wells and Weter.

The Speaker directed the Clerk to read the proclamation of the Governor convening the Legislature in extra session, which was as follows:

PROCLAMATION.

An extraordinary condition, and one which requires the immediate application of a remedy by the Legislature, exists in this State, relative to the subject of taxation. Executive messages, commencing with Governor Bagley's in 1877, have voiced the complaints of the people concerning inequality, irregularity and injustice in taxation. They have arisen largely from the unjust discrimination in favor of certain corporate property and its owners.

Partial success has been gained through the law creating a State Tax Commission, under the operation of which over three hundred and sixty millions of dollars (\$360,000,000) of property, largely corporate, has been added to the assessment rolls. The work of the commission is not yet complete, and further good results can be reasonably expected. Since the work of the commission has become known, the demand for the passage of such laws as will place all property upon the assessment rolls at its true value has become universal.

All political parties, whether assembled in legislative, county or State conventions, have pledged themselves to settle the question justly. Candidates for office are again pledged to accomplish it. Over one hundred thousand citizens of the State have petitioned the Legislature for the passage of just laws upon the subject. In view of these conditions, a just solution depending only upon proper action by the Legislature and the Executive, should no longer be delayed.

The expense to the State of an extra session of the Legislature is trivial as compared with the benefit to be derived from a proper solution of the question. The people are entitled to know that their servants, charged with the duty of solving the problem, are faithful to their interest.

The decision of the Supreme Court of this State upon the principle involved in the Atkinson bill makes it necessary to amend the Constitution before all property can be taxed at its true value. It is therefore necessary to adopt an amendment to the Constitution so that property now paying specific taxes upon earnings can be taxed at its true cash value. This should be done, not only in the interest of uniformity, but of justice. It is no longer seriously denied that corporations paying specific taxes on earnings are not now, and have not heretofore, borne their just share of the public burdens.

During times of panic and business depression, corporations taxed upon earnings, such as railroads, pay less taxes than during more prosperous times when their earnings are greater. Consequently other property, even during hard times, when such property is least productive, must pay higher taxes, for the very reason that the railroads pay less. When the necessities of State institutions demand an increase in taxes, corporations taxed on earnings pay no part of the increase,

and therefore all other property pays not only its share of the increase, but also the share of the railroads and other corporations which pay taxes on earnings.

The people can be trusted to vote upon a constitutional amendment which shall make it possible to pass a proper tax law. They should be given the opportunity denied them by the Legislature at its regular session in 1899, and the special session of the same year. There is no good reason why action should be delayed. If this amendment is not submitted to the people at the general election to be held November 6, 1900, railroads, and other corporations, now paying specific taxes upon earnings, will continue to be so taxed under the present system until at least 1903. The failure to submit such an amendment not only postpones the settlement of the question of equal taxation for two years, but leaves it in the arena of politics where it should have no place. It is apparent that a fuller expression of the wishes of the people can be secured at the coming election on November 6, than at any other general election within four years, for the reason that it is a presidential election.

Not only have all the railroads of the State thus enjoyed special privileges and exemptions under the tax laws, but some of them possess rights, secured to them by special charter, not enjoyed by kindred corporations. There is a demand for the repeal of these charters at once, not only because they stand in the way of a proper solution of the question of equal taxation, but because a further continuance of the special privileges granted them should be taken away. Bills having this object in view have been presented to previous Legislatures for nearly a quarter of a century. The demand of the people for their repeal has been denied up to this time.

I regard the situation as extraordinary, and one that demands immediate remedies, which can only be given by the Legislature.

Acting under authority of Section 7, of Article 5, of the Constitution of the State of Michigan, I hereby call the Legislature of the State of Michigan, to meet in extraordinary session, on Wednesday, the tenth day of October, A. D. 1900, at twelve o'clock noon of that day, to consider the question of the submission of an amendment or amendments to the Constitution which will permit the enactment of laws that will provide for the equal taxation of all property by an assessment of the same at its cash value, and for the purpose of repealing or amending the special charters of railroads and other companies, and for the consideration of such other matters as may be submitted to you by special message.

Given under my hand and the Great Seal of the State of Michigan, at the Capitol, in Lansing, this 5th day of October, in the year of our Lord one thousand nine hundred, and of the independence of the United States the one hundred and twenty-fifth.

H. S. PINGREE,
Governor.

(Seal)
By the Governor:
WILLARD K. BUSH,
Deputy Secretary of State.

DEPARTMENT OF STATE,
Lansing.

I, Justus S. Stearns, Secretary of State of the State of Michigan, do hereby certify that the annexed copy of a proclamation by the Governor, convening extra session of the Legislature, is a true and correct transcript of the original, which is on file in the Department of State.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this fifth day of October, in the year of our Lord nineteen hundred.

J. S. STEARNS,
Secretary of State.

(Seal)

The Speaker then addressed the House as follows:
Gentlemen of the House:

Again the unexpected has happened.

Again, through the wisdom of our esteemed Governor, we are convened in extra session.

I can add but little to what I said at the opening of the last extra session.

The public duty of maintaining a State government for the administration of our laws, the transaction of the business of the Commonwealth, and the burden of maintaining a great University, a Normal college, two Normal schools, a great Agricultural college, a College of Mines, a School for the Deaf and one for the Blind, an Industrial School for Boys and another for Girls, a State public school, a Soldiers' home, a Home for the Feeble Minded, four great Asylums, and three great penal institutions, is of necessity a heavy one for our people.

That life, liberty, property and home may be secure, all this becomes a necessity.

In the name of justice this burden must be so adjusted that each of us shall bear our equal, fair and exact share of the burden.

As to the end sought, there can be no difference of opinion. As to the method of adjustment, men may honestly differ.

Through two regular and two special sessions this problem has occupied the attention of the Legislature, and no satisfactory result seems to have been reached.

A great number urge that a specific tax upon certain corporate property, while other property pays a tax upon its assessed value, should be abolished.

Some maintain that all property should be assessed at the same time, in the same manner and by the same assessing officer, in the respective districts in which it may be located, while others insist that some classes of property should pay a specific tax upon its gross earnings or output, certain other property assessed and taxed by a State board of assessors, and the balance of the taxable property assessed and taxed as the vast majority of the property is now assessed and taxed.

Let us remember that the time we spend here but adds to the already heavy burden of taxation, and speedily agree, if possible, upon some method that will meet the approval of the people, and bring every dollar's worth of property, in whatsoever form it may be, or by whomsoever owned, beneath the yoke we all must bear, that it shall contribute to the public treasure its faithful share.

If after the care and deliberation we have given this question in the past, we are unable to agree upon any single method, let us submit all the methods proposed to the people for their verdict, and let them determine by the ever just voice of the majority what we in the past have been unable to agree upon.

With an abiding faith in the earnestness, intelligence, honesty, and love of justice of the people of the State of Michigan, we will do well to at once submit this complex and difficult problem to them direct, for their solution.

We at times may become confused with trying to register the will of our constituents intermingled with our own convictions, act unwisely and make serious blunders. But when a majority of the people express by their own sacred ballot their wish, we can always be assured the verdict is right and just.

Let us work diligently to accomplish the purpose for which His Excellency, the Governor, has convened us, and adjourn as soon as possible.

May we remember it is as impossible for men to think alike, as for the flowers of the field to look alike, and waste no time or temper in questioning the motives of those that may differ with us.

The Speaker announced the following:

Fremont, Mich., Oct. 10.

E. J. Adams, Speaker: •

Impossible to reach Lansing before evening.

H. J. DUDLEY.

The Speaker also announced the following:

North Yakuna, Wash.

Lewis M. Miller:

I will be there Friday for special session.

RICHARD PEARSON.

Mr. Herrig offered the following:

Resolved, That the daily sessions of this House shall begin at 10 o'clock a. m. and 2 o'clock p. m. during the period of the extra session.

Which was adopted.

Mr. Waterbury offered the following:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate, and to inform that body that a quorum of the House is present and ready to proceed to business.

Which was adopted.

The Speaker announced as the committee under the resolution, Messrs. Waterbury, Wayne and Stumpfenhusen.

After a short absence, the committee returned and reported that they had performed the duty assigned them, and were discharged.

The Sergeant-at-Arms announced a committee from the Senate, who reported that a quorum of the Senate was present and was ready to proceed to business, after which the committee retired.

Mr. Dingley offered the following:

Resolved that a committee of three be appointed to act with a like committee from the Senate to wait upon His Excellency, the Governor, and to inform him that a quorum of each House is present and ready to receive any communication which he may be ready to make.

Which was adopted.

The Speaker announced as the committee under the resolution, Messrs. Dingley, Babcock and Burfoot.

After a short absence the committee returned, and reported that the Governor would communicate with the two houses in joint convention assembled, at 2:30 o'clock this afternoon, and were discharged.

Mr. Kelly offered the following:

Resolved, That the Clerk of the House be instructed to draw orders for mileage in accordance with the report of the Committee on Mileage at the regular session of 1899, excepting such as may not be entitled thereto.

Which was adopted.

Mr. Alward moved that all absentees be excused for the day.

Which motion prevailed.

On motion of Mr. Alward,

The House took a recess until 2:15 o'clock p. m.

AFTERNOON SESSION.

2:15 o'clock p. m.

The House was called to order by the Speaker.

A quorum present.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 10, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved (the House concurring), That the two Houses meet in joint convention at 2:30 o'clock p. m., today, for the purpose of receiving any communication the Governor may be pleased to make;

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,
Secretary of the Senate.

The question being on concurring in the adoption of the resolution, The resolution was adopted.

The Speaker also announced the following:

Detroit, October 7, 1900.

Hon. Edgar J. Adams, Lansing, Mich.:

Dear Sir—I have been confined to my house three weeks by serious illness and have only been able to sit up within a day of two. Of course I cannot be at Lansing on Wednesday. Please obtain indefinite leave of absence on account of illness and oblige,

Yours truly,

HENRY M. CHEEVER.

The Speaker also announced the following:

Bangor, Mich., October 9, 1900.

Hon. E. J. Adams, Speaker of the House, Lansing, Mich.:

Dear Sir—I have been under the doctor's care for several days and will not be able to be present at the opening of the House tomorrow. Please ask the House to give me an indefinite leave of absence on account of sickness.

Yours truly,
C. C. PHILLIPS.

On motion of Mr. Stewart,

Messrs Cheever and Phillips were each granted indefinite leave of absence.

Mr. Heineman moved that a committee of three be appointed to notify the Senate that the House is ready to receive them in joint convention to receive any communication which His Excellency the Governor may be pleased to make.

Which motion prevailed.

The Speaker appointed as such committee, Messrs. Heineman, Good-year and Schmidt.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

The Sergeant-at-Arms announced the Honorable the Senate, who were conducted to seats.

PROCEEDINGS IN JOINT CONVENTION.

The joint convention was called to order by the Lieutenant Governor and President of the Senate—Orrin W. Robinson, President of the joint convention.

The roll of the Senate was called by the Secretary thereof and a quorum of the Senators was present.

The roll of the House was called by the Clerk thereof and a quorum of the members was present.

The Lieutenant Governor and President of the joint convention announced that the joint convention had met to receive such communications as His Excellency the Governor might be pleased to make.

Representative Lusk moved that a committee of three members from the House and two from the Senate be appointed to wait upon the Governor and inform His Excellency that the two Houses are met in Joint convention and are ready to receive any communication he may desire to make.

Which motion prevailed.

The President announced as such committee, Representatives Lusk, Scully and McLeod, and Senators Giddings and Charles Smith.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

Mr. Chamberlain moved that a committee of three from the House and two from the Senate be appointed to invite the presence of the Justices of the Supreme Court and the State Officers at the joint convention.

Which motion prevailed.

The President announced as such committee, Representatives Chamberlain, Goodrich and Weier, and Senators Atwood and Helme.

After a short absence the committee returned and reported that they had performed the duty assigned them, and were discharged.

The Sergeant-at-Arms announced His Excellency the Governor, and the Justices of the Supreme Court and the State Officers, who were conducted to seats.

The President of the joint convention then announced His Excellency the Governor, who addressed the joint convention as follows:

To the Senate and House of Representatives:

You have been called together in special session for action upon two very important taxation measures:

First—A resolution providing for the submission to the people of Michigan, at the general election to be held on November 6, next, of an amendment, or amendments, to the Constitution of the State, which will permit the enactment of laws that will provide for the equal taxation of all property by an assessment of the same at its actual cash value; and

Second—Bills providing for the repeal or amendment of the special charters of railroads.

In the proclamation calling you together I give you substantially the reasons for my action. One is that, unless this constitutional amendment is submitted to the people at the election on November 6, next, equal or uniform taxation cannot be made an accomplished fact for at least two years and a half. Another is that this is a presidential year, and so complete and general an expression of the wish of the people cannot be had again for four years.

It is not my purpose to enter upon a thorough discussion of the two questions presented to you for consideration and action. The members of your honorable body are quite familiar with the arguments upon both sides of the questions, and they are equally familiar with the public opinion and desire concerning them.

CONSTITUTIONAL AMENDMENT.

Under our Constitution, as construed by the Supreme Court of Michigan, it is practically impossible to frame a law by which property of railroad, telegraph, telephone and express companies can be taxed upon its true value, unless we resort to local taxation. This latter method would deprive so many school districts of necessary revenue that it would be a most serious blow to our school system. It would also, in its results, be grossly unjust to the companies themselves. The evil effects of this method of taxing these properties are so apparent that few can be found who will advocate it.

It follows, therefore, that the people are demanding an amendment to the Constitution which is absolutely necessary for the establishment of uniform taxation, and the simple proposition now before us is, shall the people be given the only opportunity, which the form of our government permits, to change our organic laws so that this can be done? To deny them this, is equivalent to saying that they are not fit for self-government.

W. H. H.

Some of the principal arguments against specific taxation upon earnings, and in support of taxation upon actual cash value, are as follows:

1. That the policy of taxing railroads and similar corporations by a specific tax originated when the State was new, when it was thought necessary to favor the promotion of improved methods of transportation and communication. This reason no longer exists. Specific taxation was regarded, at that time, as a partial exemption from taxation. It can no longer be seriously contended, however, that the richest corporations in the State should be any longer favored with these special privileges.

2. It was at one time urged by the railroads that their property is, in a sense, public property, being devoted to the public use, and, therefore, should be relieved in part, if not entirely, from taxation.

This argument was seriously made by counsel for the railroads before the Legislature of 1891. In their printed brief, dated May 19, 1891, appears the following sentence: "It is the rankest possible injustice to the owners of these railroads, under these circumstances, to lay the same burden of taxation on the property as that imposed on private property." In the light of the information which we now have upon the subject, after many years of public discussion and study, such a claim is not likely to be treated seriously.

It was also claimed by the railroads that their property should not be taxed, because of the alleged meagerness of dividends to stockholders. These claims were made when the city of Detroit was endeavoring to obtain legislation for the taxation of millions of dollars of railroad property in Detroit, upon its cash value. These arguments of the railroads were most effectively answered by the Hon. Don M. Dickinson, special counsel for the city of Detroit. He said:

"If you may exempt railroads from taxation because they do not pay dividends, on the same principle you may tax the people to pay to stockholders of railroad companies dividends upon their investments, when business is poor. * * * To exempt from taxation, to reduce taxation upon property below the standard of equality, as all political economists are agreed, is to apply the principle, and no other, of bounties and subsidies from the public treasury. In other words, if, under the law, you may collect less than his share from any citizen, you may also go farther and lay taxes upon fellow citizens, for the purpose of voting a bounty to the favored one. Exemption, reduction and subsidy have one and the same ground to rest upon—favoritism."

Speaking of the claim of the railroads that their property is, in one sense, public property, and should be relieved from the burden of taxation, Judge Cooley of the Michigan Supreme Court has said:

"It is not such a purpose in any other or different sense than would be the opening of a hotel, the establishment of a line of stages, or the putting in operation of grist mills. * * * The business of railroad-ing, in private hands, is not to be distinguished in its legal characteristics from either of the other kinds of business here named, or from many other which might be mentioned."

And again upon the same subject, Judge Cooley said:

"There is nothing in the business of carrying goods and passengers which gives the person who conducts it a claim upon the public different in its nature from that of the manufacturer or the merchant."

Judge Christianity of the Michigan Supreme Court, after discussing the theory that the public services of railroad companies entitle them to special consideration, said:

"This theory is unsound upon any legal principle—a mere legal fallacy, and no more just than sound."

3. That, under the system of taxing upon earnings, the State is entirely at the mercy of these corporations. It is compelled to take such reports of earnings as are made to it by railroads and similar corporations which are taxed upon earnings. It is impossible to verify such reports. Again, a large part of the earnings of the railroads comes from "through" or interstate business. Without franchises to operate their roads in Michigan, they would not enjoy the profits from "through traffic." Yet it is impossible for the State to know what part of the earnings from this interstate business is subject to taxation in Michigan. The railroad can report to the Railroad Commissioner for taxation, just whatever portion of these earnings it sees fit. I have no intention of charging fraud upon any of these companies, but what I mean is, that the State is compelled to trust entirely to the method of division of earnings adopted by the companies. In other words, the railroads and kindred corporations themselves decide how much taxes they shall pay. No other corporations or persons enjoy this special privilege.

4. That, as I have already stated in a prior message to the Legislature, during the period from 1855 to 1895, the rate of taxation for State purposes increased from six cents per capita to \$1.34 per capita. During the same period, the proportion of taxes for State purposes, paid by the railroad companies, decreased from 72 per cent in 1855 to 21 7-10 per cent in 1895.

5. That the State, during the early period of railroad development, encouraged the railroads by making them gifts of property and granting them valuable privileges in the shape of exemption from taxation. It ill becomes them now, when they are so wealthy and prosperous, to resist the efforts of the people of the State to place them on the same footing as to taxation with all other corporations and persons. I would remind you that in 1856 the general government, to aid in the construction of railroads, gave six sections of land for every mile of railroad that should be built. Legislatures passed numerous acts, granting lands to railroads and exempting such lands from taxation, for long periods of time. The value of the lands thus given away is almost beyond computation. They were covered with magnificent forests of pine and hardwood and beneath the surface there was untold mineral wealth. For illustration, the act of 1873, as amended in 1875, granted sixteen sections of land for every mile of railroad, and exempted those lands from taxation for sixteen years. Under this act more than 1,200,000 acres of the finest timber and mineral lands in the Upper Peninsula were granted for the purpose of aiding in the construction of a single railroad. The railroads have already reaped a golden harvest from these gifts, and I am utterly unable to understand by what rule of justice or right these corporations seek, in these times of prosperity, to avoid their share of the expense of maintaining the State government.

6. That it is not equal taxation to tax these corporations less as their income decreases. During times of panic, corporations taxed upon earnings, such as railroads, pay less taxes than during more prosperous times, when their earnings are greater. Consequently other property, even during hard times, when such property is least productive, must pay higher taxes, for the very reason that the railroads pay less. This unfair result, which in periods of depression exempts the strong and thrusts the increased burden upon the weak, will follow as long as two antagonistic systems of taxation are in force. The expenses of State government are about the same whether times are good or bad. No system of taxation is uniform which compels the farmer and the manufacturer to shoulder an increased burden of taxes, when business is at a standstill and their farms and shops unproductive, and at the same time relieves the most powerful corporations in the State. Every dollar of just taxation which the railroads escape must be borne by other forms of property. A vacant store is not as profitable as one rented, but if it were taxed the same as railroads are now taxed, it would be exempt from taxation until it should be occupied by a tenant.

7. That it is unquestionably true that these corporations under the present system of taxation upon earnings, do not pay as much taxes as they would if taxed upon the actual value of their property. This is but another way of stating that they are escaping their share of taxes. I have, however, maintained that it makes no difference whether railroads, under the present system of taxation upon earnings, have been paying more or less than their proper share of taxes. The system is radically wrong. It is not uniform. I think, as I have already said, that these corporations should be taxed upon value, whether they have in the past been paying too much or too little, under the system of taxing upon earnings.

It has been assigned as a reason for voting against measures providing for taxation upon cash value, the fact that no valuation has been made of railroad, telegraph, telephone and express companies' property, and that therefore it could not be said, with any degree of certainty, that these corporations are not, under the present system, paying their share of taxes.

To remove this objection, however, the law, known as the "Oren law," passed by your body, made it the duty of the Board of State Tax Commissioners "to inquire into and ascertain the valuation of the property of corporations paying specific taxes under any of the laws of this State, and to ascertain the actual rate of taxation as based upon the valuation of said properties that is being paid by said corporations."

Under this authority, the Board of State Tax Commissioners has employed Professor M. E. Cooley, of the engineering faculty of the University of Michigan, to supervise the work of valuing the tangible property of these corporations. It has also employed Professor Henry C. Adams, of the faculty of the University of Michigan and Statistician of the United States Interstate Commerce Commission, to investigate the subject of franchise values, and to determine the value of the immaterial or intangible property, including the franchises, of these corporations. The addition of the value of the tangible property to the value of the intangible property, including franchises, will give the total valuation according to one method of appraising the property.

I submit herewith a communication from the Board of State Tax Commissioners, containing reports of Professors Cooley and Adams, showing the value of two railroads of the State, the appraisal of which has been completed, and also showing the value of one of these railroads based upon the market value of its stocks and bonds. From these reports it will be seen that these railroads, if taxed upon their actual value, would pay more taxes to the State than they have been paying in the past under the system of specific taxation upon earnings. One of these railroads, the Detroit, Grand Haven & Milwaukee, enjoys the privilege of a special charter, and the other, the Ann Arbor Railroad, does not.

The following is a table showing: (1) the full values of the tangible property of the Ann Arbor Railroad and the Detroit, Grand Haven & Milwaukee Railroad, made by Professor Cooley; (2) 65 per cent of the full value of the tangible property; (3) amount of taxes paid for year 1899, under the present law taxing earnings; (4) the actual rate of taxation as based upon the valuation of the tangible property (at 65 per cent of the full cash value of the tangible property) that is now being paid under the system of taxation upon earnings; (5) amount of taxes which the railroads would pay, at 2 per cent of the valuation of the tangible property (at 65 per cent of the full cash value); and (6) amount of taxes which the railroads would pay at 2 per cent of the full value of the tangible property.

In these comparisons, I use 65 per cent of the full cash value, because that is the average of assessments throughout the State, according to a computation made by a member of the State Board of Tax Commissioners. The average rate of taxation in the State is nearly 2½ per cent (also computed by a member of the Tax Commission), but I have used 2 per cent in showing what taxes these railroads should pay if they were assessed upon cash value, at the same proportion of full value, viz., 65 per cent, as other property in the State is assessed, and at the same rate as other property in the State is taxed. The official computation of the tax commission upon these two points may be completed before this session ends.

COMPARISON OF TAXES—VALUE OF TANGIBLE PROPERTY.

	Full value tangible property.	65% value tangible property.	Taxes on earnings paid 1899.	Rate of tax, now being paid on earnings if assessed at 65% cash value.	Taxes at 2% would pay, if assessed at 65% cash value.	Taxes at 2% would pay, if assessed at full cash value.
Ann Arbor R. R.	\$5,700,161 00	\$3,705,105 00	\$39,406 75	.0106	\$74,102 00	\$114,003 00
Detroit, Grand Haven & Milwaukee.....	5,589,015 00	3,632,859 00	31,610 03	.0087	68,107 00	104,780 00

COMPARISON OF TAXES—VALUE OF BOTH TANGIBLE PROPERTY AND FRANCHISES.

	Full value both tangible and franchise.	65% value both tangible and franchise.	Taxes on earnings paid 1898.	Rate of tax now paid on earnings, if both tangible and franchise values assessed 65%.	Taxes at 2% would pay if both tangible and franchise assessed 65%.	Taxes at 2% would pay if both tangible and franchise assessed full value.
Ann Arbor Railroad.....	\$7,400,161 00	\$4,810,105 00	\$39,406 75	.0082	\$96,202 10	\$148,003 00
Detroit, Grand Haven & Milwaukee	6,389,015 00	4,152,860 00	31,610 03	.0076	83,057 20	127,780 00

From the first table above (that is, not including values of franchises) it will be seen that, as taxed now on earnings, the Ann Arbor Railroad is paying only 1 per cent on 65 per cent of the full value of its tangible property.

If taxed on value, assessed as other property in the State, and at the same rate as other property, it would pay \$74,102 of taxes, whereas it now pays only \$39,406.75, a little over half as much as it ought to pay.

The D., G. H. & M. R. R. is paying only 87-100 of 1 per cent on 65 per cent of the full value of its tangible property, and would pay \$68,107 if taxed on value, whereas it now pays only \$31,610.03—less than half as much as it ought to pay.

If assessed at full value, according to Professor Cooley's appraisal, the Ann Arbor would pay at 2 per cent, the sum of \$114,003, being \$74,596 more taxes than it now pays. The D., G. H. & M. R. R. would pay \$104,780, being \$73,170 more than it now pays.

From the second table above, being the total of tangible and franchise values, it appears that the Ann Arbor R. R. is paying only 82-100 of 1 per cent on 65 per cent of the full value of its property, and the D., G. H. & M. R. R. 76-100 of 1 per cent.

If taxed on value, at the same rate as other property, the Ann Arbor R. R. would pay \$96,202.10 in taxes, whereas it now pays only \$39,406.75. The D., G. H. & M. R. R. would pay \$83,057.20, whereas it now pays only \$31,610.03.

If taxed on full value, the Ann Arbor R. R. would pay \$148,003 and the D., G. H. & M. R. R. \$127,780.

It can fairly be said that results similar to the foregoing will appear when the valuations of the other roads are completed. It seems to me that, in view of these actual valuations, it can no longer be claimed that railroads are paying their share of taxes under the plan of taxing on earnings.

Many of the statements herein made with reference to railroad, apply with equal force to telegraph, telephone and express companies, which pay taxes upon their earnings. In the case of the latter corporations, it will be found that the properties of greatest value which they possess are their franchises.

REPEAL OF SPECIAL CHARTERS.

The subject of the repeal of special charters of railroads is also a matter which has been under consideration for so long a period of time that it is not now necessary for me to enter into a full discussion of the arguments in support of such repeal. It is no longer disputed by anyone, and I hardly think by railroad officials themselves, that special charters should be either repealed or amended. The platforms of both political parties declare for their repeal, and the candidates for Governor, upon both party tickets, have announced themselves, in public addresses, as being emphatically in favor of withdrawing these special privileges.

You all know that these charters were granted when the State was in an undeveloped condition, and were given for the purpose of encouraging and aiding the building and extension of railroads.

The railroads operating in this State under special charters are as follows:

1. Michigan Central Railroad Company, main line, running from the city of Detroit to the Michigan and Indiana State line; near New Buffalo, a distance of 221 miles.

2. Lake Shore & Michigan Southern Railway Company, main line, from Ohio and Michigan State line, in Monroe county, to Indiana and Michigan State line, in St. Joseph county, a distance of 116.07 miles; Jackson branch, from Lenawee Junction to Jackson, 42.16 miles, and Monroe branch, from Lenawee Junction to Monroe, 29.45 miles; total mileage, 187.68, operated at present under special charter by the Lake Shore & Michigan Southern Railway Company, being what was originally the Michigan Southern R. R. and the Erie & Kalamazoo R. R.

3. Detroit, Grand Haven & Milwaukee Railway Company, running from Detroit to Grand Haven, a distance of 189 miles.

The only objection urged against the repeal or amendment of these charters is that they have established contractual relations between the State and these companies, which the State cannot violate without paying the damages which may be shown to result from its action.

I reaffirm my belief that the grant of these special privileges was not within the power of the Legislature; therefore no damages can be lawfully charged against the State. But, however this may be, the fact remains that if the liability does exist, no lapse of time can remove it.

If these charters were to expire, by their own terms of limitation, within the next ten or fifteen years, a contention that we should wait until they should expire might have considerable force. But they do not. They are perpetual, and the very fact of their perpetuity makes the privileges and exemptions granted by them more valuable each year. It will cost more to cut off these privileges ten years later than it will now. Every year of delay will increase the damages which these railroads can claim, while in the meantime the injustice to the people and the other railroad companies continues.

Let me give a simple illustration: In 1855, the property of the Michigan Central was valued in round numbers at \$10,000,000. Now its value, measured by its cost according to the report of the railroad filed with the Railroad Commissioner, is \$44,000,000, or nearly four and one-half times greater in 1899 than in 1855. Do we need anything more.

to show the folly of delay? If damages must be paid, we not only add to them by waiting, but we continue a wrong as well.

You will recall that at the regular session of your bodies an act was passed constituting the Railroad Commissioner, the State Treasurer and Secretary of State, a commission "To negotiate with such railroad companies as are incorporated under special charters to ascertain upon what terms such railroad companies will surrender their respective charters and reincorporate under the general railroad laws of the State of Michigan; also to ascertain, as nearly as such commission is able to estimate and determine the same, the amount of damages each and all of such railroad companies will be entitled to in the event of the repeal of such special charters."

I have requested a report from this commission as to the status and results of their negotiations, and submit their report herewith.

I heartily concur in the recommendations which the commission makes, and the matter is now before you for proper legislation. The question of damages is undoubtedly one for the courts to decide.

In conclusion, I would say that, having studied these questions for many years, I have settled and definite ideas as to the form which legislation should take to bring about equal taxation, and to provide uniform laws for all railroads. But, while I hold these ideas, I wish to say that any measures which your honorable body may see fit to adopt, whether they agree with my preconceived ideas or not, if it can fairly be said that they will accomplish the reforms which the people so earnestly demand, they will receive executive sanction.

Respectfully submitted,

H. S. PINGREE,

Governor.

Lansing, Mich., October 10, 1900.

After the reading of which,

The Governor submitted a report of the State Tax Commission and a report of the Special Charter Commission, as follows:

REPORT OF STATE TAX COMMISSION.

Hon. H. S. Pingree, Detroit, Mich.:

Dear Sir—In compliance with your request of 8th inst., asking for a report showing the values of the tangible and intangible properties of such railroads as may have been completely appraised under the direction of this board, we have the honor to herewith transmit such information:

The appraisals of the tangible properties have been under the supervision of Professor M. E. Cooley, and of the intangible under Professor H. C. Adams.

But two roads have been completed at this time, though the appraisals of nearly all in the State are fairly under way.

The two herewith reported are the Ann Arbor and the Detroit, Grand Haven & Milwaukee roads.

We are pleased further to hand you copies of the reports to us from Professors Cooley and Adams, showing, not only the values of the tangible and intangible properties, but the method also by which the values of intangible properties have been reached.

For the purpose of comparison, we have also caused an examination to be made to ascertain the market values of stock and bonds of State roads, and have found that both stock and bonds of the Ann Arbor have been quoted during the year last past, but that neither stock nor bonds have been quoted of the Detroit, Grand Haven & Milwaukee Railroad.

Valuations by Appraisal:

Ann Arbor Railroad:

Tangible properties	\$5,700,161 00
Intangible properties, including franchises.....	1,700,000 00
Total	\$7,400,161 00

Detroit, Grand Haven & Milwaukee Railway:

Tangible properties	\$5,589,015 00
Intangible properties, including franchises.....	800,000 00
Total	\$6,389,015 00

Valuation of Stock and Bonds:

Ann Arbor Railroad:

Total number shares, common stock.....	32,500	
Value per share at average quotation from January to December, 1899, in- clusive	\$17½	\$368,750 00
Total value, common stock.....		
Total number shares, preferred stock....	40,000	
Value per share at average quotation from January to December, 1899, in- clusive	\$43 7-16	1,737,500 00
Total value, preferred stock.....		
Total number 4% gold bonds, due 1995..	70,000	
Value per \$100.00 of bond, at average quo- tation from January to December, 1899, inclusive	\$92 95-96	6,509,271 00
Total value bonds		

Total value in Michigan and Ohio..... \$8,615,521 00

Total number of miles	291 9-10	
Value per mile	\$29,515 31	
Number of miles in Michigan.....	286 19-100	
Total value in Michigan.....		\$8,446,986 56

Yours very respectfully,

MILO D. CAMPBELL,

A. F. FREEMAN,

ROBERT OAKMAN,

Board of State Tax Commissioners.

REPORT OF PROF. M. E. COOLEY—VALUE TANGIBLE PROPERTY.

To the Honorable Board of State Tax Commissioners:

Gentlemen—Complying with your request for such information as may be available at this time, showing the cost of physical properties of railroads of this State, I beg leave to submit the following:

The available office data of all of the railroad companies of the State have been obtained, except of the Lake Shore & Michigan Southern, Michigan Central, Pere Marquette, and the Grand Rapids & Indiana; the latter will be completed this week.

The field inspections of fifteen of the roads have been completed.

The final results of only two of the roads have thus far been computed and these are subject to such slight modifications as may be necessary in the event of discovering additional properties not recorded, and properties included in the appraisal, but already taxed under the general tax law.

The present value of the physical properties of the Ann Arbor Railroad Company is \$5,700,161.

The present value of the physical properties of the Detroit, Grand Haven & Milwaukee Railway Company is \$5,589,015.

Respectfully,

M. E. COOLEY,

Appraiser.

REPORT OF PROF. H. C. ADAMS—VALUE FRANCHISES.

Hon. M. D. Campbell, President Board of State Tax Commissioners:

Dear Sir—In reply to your message, I would say that I should not be willing, on such short notice, to make a final compilation of the non-physical value of the two railway companies, the value of whose physical properties has just been furnished me. Recognizing, however, the exigency of the situation, I venture to express the opinion, subject to revision if warranted by future investigation, that the non-physical value of the Ann Arbor Railroad Company does not fall below \$1,700,000, and that the non-physical value of the Detroit, Grand Haven & Milwaukee Railway Company does not vary greatly either way from \$800,000.

The principle upon which this estimate is based is stated in the note submitted to you on Thursday last, a copy of which is attached to this communication.

Yours truly,

H. C. ADAMS.

METHOD OR RULE FOR COMPUTING FRANCHISE VALUE.

Ann Arbor, Mich., Oct. 4th, 1900.

To the Board of State Tax Commissioners, Lansing, Mich.:

Gentlemen—In reply to your request for a method of valuing the non-physical element in railway properties, I submit the following:

First—It is understood that the object of the investigation instituted by the Michigan Tax Commissioners is to determine whether the properties imposed with specific taxes pay, upon their true value, a rate equal

to the rate paid by property taxed under the general tax law. The suggestions here submitted pertain to railways organized as corporations, and whose chief business is that of transportation.

Second—It is understood that, as one step in this investigation, the commission has undertaken to appraise the physical property of railways (real estate included), and that the request made of me is to formulate a satisfactory rule for appraising the non-physical or immaterial element in railway corporations.

Third—It is submitted that this non-physical or immaterial element is not a simple commercial element, but includes, among other things, the following:

1. It includes the franchise,
 - a. To be a corporation.
 - b. To use public property and employ public authority for corporate ends.
2. It includes the possession of traffic not exposed to competition, as, for example, local traffic.
3. It includes the possession of traffic held by established connections, although exposed to competition, as, for example, through traffic that is secured because the line in question is a link in a through route.
4. It includes the benefit of economies made possible by increased density of traffic.
5. It includes a value on account of the organization and vitality of the industries served by the corporation, as well as of the organization and vitality of the industry which renders the service; this value, consequently, is, in part, of the nature of an unearned increment to the corporation.

Fourth—As corroborating the existence of this element of value in all successful corporate enterprises, reference may be made to the following facts:

1. Corporations almost universally are bonded for an amount in excess of the value of physical properties less the proceeds of the stock issued. If traffic, or good will, or franchises, or organization can be made security for the borrowing of money, is it not evident that they possess an established commercial value?
2. It is not uncommon for courts, in placing railway properties in the hands of receivers, to defend their action by the assertion that the step is necessary in order to prevent the disintegration of the property. Is it not a legitimate conclusion from this fact that the courts recognize organization as an element of value?
3. The universal recognition of the necessity of supplementing the general property tax by some special method of taxation in the case of railways is an acknowledgment of the fact that the general property tax by ordinary methods of assessment does not attach itself to the full value of corporate property. The general property tax worked well when the major portion of property was material and visible; it failed to work well when, through the development of corporate enterprises and credit relations, immaterial values came to be relatively significant.

Fifth—Inasmuch as nothing tangible or visible gives support to the value under consideration, it must be determined on the basis of in-

formation secured from the current accounts of the corporations. There are two accounts which may be used for this purpose, namely, the general balance sheet and the income account. In the balance sheet will be found a statement of assets and liabilities, giving cost of road and equipment on one side and the par value of stocks and bonds on the other. For reasons that need not here be stated, these items are not satisfactory for the purpose which this commission has in view. It may be assumed that the appraised value of the physical property of railways (including franchise element in the right of way) will not coincide with the balance sheet statement of cost of road and equipment.

The practice adopted by many states of appraising railway property on the basis of the market value of stocks and bonds has something to be said in its favor, but it is not satisfactory. This point, however, need not be argued at the present time, because this commission, by instituting an appraisal of the physical assets of the corporations, has committed itself to a rule inconsistent with the valuation of corporate liabilities.

In discarding the balance sheet as the basis of valuation, the commission is forced to accept for this purpose the income account, a conclusion which finds support in the established rules of corporation finance. The task of appraising railway properties, undertaken by this commission is akin to, if not identical with, the revaluation of railway securities, should this become necessary for reorganization or for transfer. As stated by Mr. Greene, an authority upon this subject, the holder of railway properties "must accept as a basis for revaluation of his securities the earning power of the company as a carrier of traffic." This "earning power" is undoubtedly the basis of all valuation of corporate properties, and it is the income account from which this earning power can be determined.

Another reason for accepting the income account of railways as a basis for the appraisal of immaterial values is that the rules of book-keeping, so far as this account is concerned, are fairly uniform for all railways, and in the main rigidly followed. This is especially true so far as it is necessary to make use of the income account for the purpose of this commission. The degree of accuracy attained in this account may be suggested by reference to the official classification of operating expenses adopted and followed by the principal railways of this country, a copy of which is herewith submitted. I also submit in this connection the form of income account prescribed by the Interstate Commerce Commission and followed by the majority of state commissions.

Sixth—The rule submitted for the appraisal of the immaterial values of railway properties, or what I prefer to term the capitalization of corporate organization and business opportunity is simple, as follows:

1. Begin with gross earnings from operation, deduct therefrom the aggregate of operating expenses,¹ and the remainder may be termed the "Income from Operation." To this should be added "Income of Corporate Investments," giving a sum which may be termed "Total Income" and which represents the amount at the disposal of the corporation for the support of its capital and for the determination of its annual surplus.

¹ The Michigan system of railway accounts prescribed by the Railroad Commissioner, includes taxes in "Operating Expenses" and for the purpose of this analysis such inclusion may be accepted.

2. Deduct from the above amount, that is to say, "Total Income," as an annuity properly chargeable to capital, a certain per cent of the appraised value of the physical properties.

3. From this amount should be deducted rents paid for the lease of property operated and permanent improvements¹ charged directly to income. The remainder would represent the surplus from the gross earnings from the year's operations, and for the purpose of this investigation may be accepted as an annuity which, capitalized at a certain rate of interest, gives the true value of immaterial properties.

Seventh—To obviate the criticism that both gross and net earnings vary from year to year, it is suggested that in place of a single year's Income Account, the average Income Account of a period of ten years be accepted as the basis of computation. The reason for accepting a period of ten years is that under existing commercial conditions, it is likely that the corporation whose property is appraised would, during that period, pass through years of both prosperity and adversity.

Eighth—It will be observed that the above rule fails to appraise the speculative element in railway property. While this element doubtless affects the price of corporate stocks and corporate bonds, it is not entirely clear that it should influence appraisals for the purpose of taxation. Should, however, the commission desire to compute the present worth of property, as resting upon expectations in the future as well as upon earnings in the past, the pertinency of the above rule would not thereby be impaired. This is true because the speculative value of properties must, from the nature of the case, be a modification of their value computed upon the basis of their earning capacity.

HENRY C. ADAMS.

REPORT OF SPECIAL CHARTER COMMISSION.

Lansing, Michigan, October 9th, 1900.

To the Honorable Hazen S. Pingree, Governor of Michigan:

The commission created by act of the Legislature, approved June 23d, 1899, composed of the Commissioner of Railroads, State Treasurer, and Secretary of State, to negotiate with the railroad corporations operating in Michigan under special charters for the surrender of those special charters, begs leave to respectfully report that it has given the matter careful consideration, and has had several conferences with the railroad managements concerned. We find that the questions involved, both as affecting the interests of the State and the companies concerned, are very complex and of great magnitude, and that the matter of resultant damages, if any, may be of great importance, and further, that if the special charters are repealed, the corporations concerned will be thrown into confusion during the reorganization and readjustment of their affairs. The desirability and justice of placing the specially chartered railroads upon the same footing as the other railroads of the State are so generally admitted that the arguments leading to this conclusion are so commonly known as to merit no place here. Therefore, we recommend:

¹ Some improvements are charged to "Operating Expenses," but for the purpose of this analysis such a rule bears no significance.

1. That the special charters of all railroad companies, operating under such in the State of Michigan, be repealed.

2. That a period of at least six months from the date the repealing act takes effect be given, during which the corporations concerned may reorganize under the general railroad laws of this State.

3. That the question of compensation for damages, if any, sustained by the corporations interested, by reason of the repeal of said special charters, be referred to some court of competent jurisdiction of this State for determination.

CHASE S. OSBORN,
Commissioner of Railroads, President.

GEO. A. STEEL,
State Treasurer, Secretary.

JUSTUS S. STEARNS,
Secretary of State.

After which,
The Governor and State Officers retired, and,
On motion of Representative Chamberlain,
The joint convention adjourned.

CHARLES S. PIERCE,
Secretary of the Senate,

LEWIS M. MILLER,
Clerk House of Representatives,

And,
Secretaries of the Joint Convention.

The Lieutenant Governor and Senators having retired, the House was called to order by the Speaker.

The Speaker announced that the House and Senate had met in joint convention and listened to a message from His Excellency, the Governor.

Mr. Heineman moved that the message to which the House had just listened, together with the report of the State Tax Commission, which was submitted with the message, be printed in the daily proceedings of the House, and that they do lie on the table.

Which motion prevailed.

Mr. Wayne, unanimous consent being given, introduced
House Joint Resolution No. 1, entitled

Joint Resolution proposing amendments to the Constitution relative to the taxation of corporations.

The Joint Resolution was read a first and second time by its title and referred to the committee on Judiciary.

On motion of Mr. Goodyear,
The House adjourned.

Thursday, October 11, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Prayer by Rev. Mr. Allen.

Roll called: quorum present.

Absent without leave: Messrs. Bryan, Crosby, Goodell, Hofmeister, Pearson and Wells.

The Speaker announced that he had received the resignation of Hon. George W. Reed, member from Mecosta county, and had forwarded the same to the Secretary of State.

On motion of Mr. Hammond,

Leave of absence was granted Mr. Hofmeister indefinitely.

PRESENTATION OF PETITIONS.

No. 1. By Mr. Colby: Communication of Representative Goodell.

On demand of Mr. Colby,

The communication was read at length and spread at large on the Journal, as follows:

Detroit, October 10, 1900.

To the Speaker of the House of Representatives, Lansing, Mich.:

On account of sickness I am unable to attend the special session of the Legislature, and would respectfully petition your honorable body to record my vote in favor of submitting an amendment to the Constitution of the State of Michigan, providing that all corporate property should pay the same rate of taxes as the farm and other small property owners pay. And also my vote in favor of the repeal of all the special charters granted the railroads.

SOLON GOODELL,

Representative Third District, Wayne Co.

On motion of Mr. Colby,

The request of Mr. Goodell for indefinite leave of absence was granted.

By unanimous consent:

Mr. Colby offered the following:

Resolved, That a respectful request be made of the Attorney General that he prepare, as soon as possible, the necessary bills for the repeal of all special charters of railways,

Which was adopted.

By unanimous consent:

Mr. Weter offered the following:

Resolved, That the Speaker appoint a committee of seven to wait upon the committee having in charge the reception of Colonel William Jennings Bryan, and extend through said committee to Colonel Bryan an invitation to address the House of Representatives during his visit to the city of Lansing. And further

Resolved, That said committee report at the afternoon session of the House its doings in the matter and the reply of said committee.

Which was adopted.

The Speaker announced as the special committee under the resolution Messrs. Babcock, Colvin, Niedermeier, Schmidt, Scully, Stumpenhusen and Weier.

REPORTS OF STANDING COMMITTEES.

By the committee on Judiciary:

The committee on Judiciary, to whom was referred

Joint resolution No. 1, entitled

Joint resolution proposing amendments to the Constitution relative to the taxation of corporations.

Respectfully report that they have had the same under consideration and have directed me to report the same back to the House, with the accompanying substitute therefor, entitled

Joint resolution proposing amendments to the Constitution relative to the taxation of corporations;

Recommending that the substitute be concurred in, and that the substitute do pass, and ask to be discharged from the further consideration of the subject.

JAMES SCULLY,
Chairman.

Report accepted and committee discharged.

The question being on concurring in the substitute reported for the joint resolution, by the committee,

The House concurred.

Pending the order that the joint resolution be printed, referred to the committee of the whole and placed on the general order,

On motion of Mr. McCallum,

The rules were suspended, two-thirds of all the members present voting therefor, and the joint resolution was put upon its immediate passage.

The joint resolution having been read a third time and the question being upon its passage, pending the taking of the vote thereon,

Mr. Alward moved to amend the joint resolution by striking out in lines 5 and 6 of recited section 13, the words "except that taxed under laws passed pursuant to section 10 of this article;" and inserting in lieu thereof the words "within this State."

The question being on the motion to amend, pending the taking of the vote thereon,

On motion of Mr. Scully,

The House took a recess until 11 o'clock this a. m.

AFTER RECESS.

11 o'clock a. m.

The House was called to order by the Speaker.

A quorum present.

The question pending being a motion to amend

House joint resolution No. 1, entitled

Joint resolution proposing amendments to the Constitution relative to Taxation of Corporations,

By striking out in lines 5 and 6 of recited section 13, the words, "except that taxed under laws passed pursuant to section 10 of this article," and inserting in lieu thereof the words "within this State."

Mr. McKay demanded the previous question.

The demand was seconded.

The question being, "Shall the main question be now put?"

The same was ordered.

The question being on the motion to amend,

Mr. Heineman demanded the yeas and nays.

The demand was seconded, and pending discussion,

The motion to amend was withdrawn.

The question being on the passage of the joint resolution,

Mr. Chamberlain moved to amend the joint resolution, by amending recited section 13, so as to read as follows:

Sec. 13. The Legislature shall provide for an equalization by a State board in the year 1901, and as often as every five years thereafter, of assessments on all taxable property, except that taxed under laws passed pursuant to section 10 of this article.

The question being on the motion to amend,

Mr. Burch moved that the amendment do lie on the table,

Which motion did not prevail.

The question again being on the motion to amend,

Mr. Aldrich demanded the previous question.

The demand was seconded.

The question being, "Shall the main question be now put?"

Mr. Heineman demanded the yeas and nays on the motion to amend.

The demand was seconded.

The question being, "Shall the main question be now put?"

The demand for the previous question was withdrawn.

Mr. Weter moved that the motion to amend be amended by striking out the word "thereafter," after the words "five years," and inserting in lieu thereof the words, "after the last equalization;"

Pending which,

Mr. McLeod demanded the previous question.

The demand was seconded.

The question being, "Shall the main question be now put?"

The same was ordered.

The question being on the motion to amend the motion to amend by striking out the word "thereafter" and inserting in lieu thereof the words "after the last equalization,"

The motion did not prevail.

The question being on the motion to amend the joint resolution by substituting the following for recited section 13:

Sec. 13. The Legislature shall provide for an equalization by a State board in the year 1901, and as often as every five years thereafter, of assessments on all taxable property except that taxed under laws passed pursuant to section 10 of this article,

The motion did not prevail, two-thirds of the members present not voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Chamberlain

Mr. Colby

Mr. Speaker

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NAYS.

Mr. Aldrich	Mr. Gustin	Mr. Nash
Alward	Hall	Nevins
Anderson	Hammond	Niedermeier
Babcock	Handy	Oberdorffer
Baumgärtner	Hart	Randall
Brownell	Hatzenbuhler	Read, J. H.
Burch	Heck	Reed, W. A.
Burdick	Heineman	Robinson
Burford	Herrig	Rulison
Buskirk	Howell	Schmidt
Caldwell	Keep	Scully
Carton	Kelly	Shisler
Chandler	Kerr	Soper
Collins	Kingott	Stewart
Colvin	Laflamboy	Stumpenhusen
Davis	Locher	Sutherland
Dickinson	Lugers	Taziman
Dingley	Lusk	VanCamp
Doyle	McCall	Waterbury
Dudley	McCallum	Watters
Duff	McKay	Wayne
Eikhoff	McLean	Weier
Fleschhauer	McLeod	Weter
Foster	Mason	Wheeler
Gillette	Miller	Whitney
Goodrich	Moore	Wood
Goodyear	Murdoch	Woodruff
Gordon	Murphy	

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The question being on the passage of the joint resolution,
The joint resolution was then passed, two-thirds of all the members
elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Goodyear	Mr. Nash
Alward	Gordon	Nevins
Anderson	Gustin	Niedermeier
Babcock	Hall	Oberdorffer
Baumgärtner	Hammond	Randall
Brownell	Hart	Read, J. H.
Burch	Hatzenbuhler	Reed, W. A.
Burdick	Heck	Robinson
Burfoot	Heineman	Schmidt
Buskirk	Herrig	Scully
Caldwell	Howell	Shisler
Carton	Keep	Soper
Chamberlain	Kelly	Stewart
Chandler	Kingott	Stumpenhusen
Colby	Laflamboy	Sutherland
Collins	Locher	Taziman
Colvin	Lugers	VanCamp

Mr. Davis	Mr. Lusk	Mr. Waterbury
Dickinson	McCall	Watters
Dingley	McCallum	Wayne
Doyle	McKay	Weier
Dudley	McLean	Weter
Duff	McLeod	Wheeler
Eickhoff	Mason	Whitney
Fleischhauer	Miller	Wood
Foster	Moore	Woodruff
Gillette	Murdock	Wheeler
Goodrich	Murphy	

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NAYS.

Mr. Handy	Mr. Kerr	Mr. Rulison	3
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Title agreed to.

On motion of Mr. McCallum,

By a vote of two-thirds of all the members elect, the joint resolution was ordered to take immediate effect.

The following is the joint resolution:

JOINT RESOLUTION proposing amendments to the Constitution relative to the taxation of corporations.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the following amendments to the Constitution of the State of Michigan, be and the same are hereby proposed and submitted to the people of this State, that is to say, that section 10 of article 14 of said Constitution be amended so as to read as follows:

Section 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes from banking, railroad, plank road and other corporations. The Legislature may provide for the assessment of the property of banking, railroad, plank road and other corporations at its true cash value by a State Board of Assessors, and for the levying and collection of taxes thereon. All taxes hereafter levied on the property of banking, railroad, plank road and other classes of corporations paying specific taxes under laws in force on November 6, 1900, shall be applied as provided for specific State taxes in section 1 of this article.

That section 11 of article 14 of said Constitution be amended so as to read as follows:

Section 11. The Legislature shall provide a uniform rule of taxation, except on property paying specific taxes and except on property assessed by the State Board of Assessors; and taxes shall be levied on such property as shall be prescribed by law.

That section 13 of article 14 of said Constitution be amended so as to read as follows:

Section 13. In the year one thousand nine hundred and one, and every fifth year thereafter, and at such other times as the Legislature may direct, the Legislature shall provide for an equalization of assessments by a State board, on all taxable property except that taxed under laws passed pursuant to section 10 of this article.

And be it further Resolved, That the said proposed amendments be submitted to the electors of this State at the general election to be held on the first Tuesday after the first Monday in November, in the year nineteen hundred; that the Secretary of State is hereby required to certify this proposed amendment to the clerks of the several counties of the State, as required by section 3624 of the Compiled Laws of 1897, but it shall be sufficient if the same shall be so certified at least ten days before such election. The several county clerks shall at once, upon the receipt of such certified amendment, convene the board of election commissioners of such county, and the said board shall forthwith prepare a ballot for the use of the electors desiring to vote upon said amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold face type the words, "Vote on the Amendments to the Constitution Relative to the Taxation of Corporations." Then shall follow:

Amendments to the Constitution relative to the taxation of corporations:

"Yes."

Amendments to the Constitution relative to the taxation of corporations:

"No."

Such ballots so prepared shall be sent out by said board of election commissioners at the same time and in the same manner as the ballot to be used at said general election. And it shall be the duty of the board of election inspectors at each voting precinct in this State to see to it that each elector is furnished with a ballot relative to such proposed amendment at the same time that he is furnished with the general ballot, and to inform such elector of the nature and purpose of it, and each elector shall be required on coming out of the booth and tendering his vote to the inspectors of election to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned as provided by law for the election of State officers.

NOTICES.

Mr. Colby gave notice that at some future day he would ask leave to introduce

A bill to repeal Act No. 113, of the Laws of 1846, entitled "An act to authorize the sale of the Southern Railroad and to incorporate the Michigan Southern Railroad Company," and provide for the collection and payment of any damages resulting from such repeal.

Mr. Colby gave notice that at some future day he would ask leave to introduce

A bill to repeal Act No. 140, of the Laws of 1855, entitled "An act to authorize the consolidation of the Detroit & Pontiac and the Oakland & Ottawa Railroad Companies, so far as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit & Milwaukee Railway Company," and to provide for the payment of any damages resulting from such repeal.

Mr. Colby gave notice that at some future day he would ask leave to introduce

A bill to repeal Act No. 42, of the laws of 1846, as amended by Act No. 179, of the Public Acts of 1893, entitled "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and to provide for the collection and payment of any damages resulting from such repeal.

- Mr. Heineman gave notice that at some future day he would ask leave to introduce

A bill to repeal Act 42, of the Laws of 1846, entitled "An act to authorize the sale of the Central Railroad and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, as amended by the acts amendatory thereof, to wit: Act 197, of the Laws of 1848; Act 139, of the Laws of 1855; Act 21, of the Laws of 1879; Act 188, of the Laws of 1883, and Act 179, of the Laws of 1893; to provide for the continuance of said company as a railroad corporation under the general laws of the State, and to provide for the determination and payment of damages to said railroad company by reason of said repeal.

On motion of Mr. Stewart,

The House took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The House resumed the regular order.

Mr. Chamberlain gave notice that at some future day he would ask leave to introduce

A joint resolution providing for submitting to the people an amendment to section 4, of article 14, of the Constitution of this State.

Mr. Kelly moved that as soon as the bills being prepared by the Attorney General for the use of the House are in the hands of the Clerk, he be instructed to have typewritten copies thereof prepared and placed on the desks of members,

Which motion did not prevail.

On motion of Mr. Stewart,

The House took a recess until 4 o'clock p. m.

AFTER RECESS.

4 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

By unanimous consent,

Mr. Colby gave notice that at some future day he would ask leave to introduce

A bill to provide for the institution of actions by railroad companies created, and which have heretofore existed under special charters, against the State, to recover damages sustained by reason of and resulting from repeal of the special charter under which such companies were created, organized, and existed prior to such repeal.

Mr. Alward moved that the House take a recess until 5 o'clock this afternoon.

Mr. Handy moved to amend the motion so as to make the hour for convening 7:30 o'clock this evening,

Pending which,

Mr. Kerr moved that the House adjourn,

Which motion did not prevail.

The motion to amend the motion to take a recess so as to make the hour for convening 7:30 o'clock p. m. did not prevail.

The motion that the House take a recess until 5 o'clock p. m. then prevailed.

AFTER RECESS.

5 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

The House resumed the regular order.

MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE.

Lansing, October 11, 1900.

To the House of Representatives:

At your general session of 1899 you passed, by the necessary two-thirds vote in each house, a joint resolution to amend certain sections of the Constitution providing for an intermediate court. The matter was then very carefully considered by you, and the necessity for such a court made apparent.

The proposed amendment was submitted to the people for ratification at the spring election following, but failed to receive the necessary vote to carry it by only a few hundred votes. That was a spring election, and a much smaller vote was polled than is usually polled at a general election.

Did I not feel the great importance for the establishment of such a court, I should hesitate in now asking you to again submit the amendment at the coming election, for I am aware of your desire to close the business for which you were called, and to return to your homes, and save the State the expense of a prolonged session. But I consider the necessity for such a court so imperative that it is my earnest desire that the question of such an amendment be submitted at this coming general election, so that all the voters in the State may have an oppor-

tunity to express their views thereon, believing that when the matter now comes to their attention they will see the necessity of such court, and vote in favor of the amendment.

Such an amendment would be not so much for the relief of the Supreme Court as for the relief of the people. Everyone in the State must be, and is, interested in this matter. Today litigants in the courts do not have a fair opportunity to be heard in the court of last resort. The poor man's case cannot be argued on account of the stress of business in that court. All cases of \$500, or under, and all motions, are not permitted to be argued except on briefs. Today the docket in the court of last resort is crowded with 200 cases, and that court is expected to hear and determine them within less than three months, or before commencement of the January term, to say nothing of the nearly hundred motions also to be determined within that time.

Unless an intermediate court is created by the adoption of this amendment, in situations like the present, the cases must be continued over the term, and litigants must await the time when their cases can be reached. These delays are almost equivalent to a denial of justice. They encourage the appeal of other cases for the purpose of delay, thus putting off the time of payment of honest judgments.

Litigants are not satisfied with the denial which must now necessarily be made of their right to have their cases argued by counsel before the court of last resort, nor are they satisfied with hastily written opinions. What the people desire and demand is that every case, coming before the court of last resort, shall have the most careful consideration and judgment of every member of the court.

These matters were discussed before the Farmers' Clubs and the State grange since the former amendment was submitted, and I believe it was, and is, the consensus of opinion of those members who heard the discussion that there now exists an imperative need for an intermediate court, to which a part of the cases appealed from the inferior courts may go, the cases involving the larger amounts and the criminal cases to go to the Supreme Court direct.

Again, it must be remembered that the circuit courts have been multiplied within the last few years, and appeals from those courts have become more frequent, greatly adding to the number to be considered by the Supreme Court on appeal.

The new tax laws and other new acts have multiplied litigation. New and important cases must necessarily arise under the action of the State Tax Commission, and many such cases are already before the court.

New and important questions must arise upon the repeal of the special charters of the railroad companies, and the compensation to be paid, if any is to be paid. New questions will also naturally arise upon the tax bills that may be passed under the amendment to the Constitution in relation to the taxation of railroad and other corporate property.

The increase of the mileage of railroads, and especially of electric roads, gives rise to many new and important questions which must necessarily be determined by the Supreme Court. Every additional mile of railroad, either steam or electric, multiplies the railroad accident cases, and those cases always reach the court of last resort.

The Supreme Court should have, and the people demand that it have, time for the careful consideration of all the important questions thus arising. By the establishment of an intermediate court, thus taking from the Supreme Court those cases involving less grave questions, the Supreme Court can give time and attention to all these matters. Questions that must be settled for all time should be rightly settled by the careful consideration and judgment of all the members of the court.

This is a subject which I did not contemplate submitting to you when the call for this session was issued. In fact, although the matter has been strongly urged since the session was called, I deemed it best not to divert your attention from the important taxation questions included in the call, until it became evident that it is your disposition to act upon these questions promptly. I appreciate that it is your desire to finish the business of the session and adjourn as soon as possible, but I felt that, while one of your bodies is considering the matters included in the call, the other could profitably occupy its time with the consideration of this very important question of the creation of an intermediate court.

The desirability of passing the resolution to submit the amendment to the people at the coming election, at this session, is apparent. If you do so, and the people adopt it, a law providing for the machinery of the court can be enacted at the session of 1901, and the judges of the court can be elected at the general election next spring. In this way substantially immediate relief can be afforded to both the people and the Supreme Court.

Respectfully submitted.

H. S. PINGREE,

Governor.

The message was referred to the committee on Judiciary.

INTRODUCTION OF BILLS.

Mr. Carton, unanimous consent being given, introduced
House joint resolution No. 2, entitled

Joint resolution to amend sections one, five, eight, ten, twelve, fourteen, fifteen, nineteen and twenty, of article six of the Constitution of this State, relative to the judicial department.

The joint resolution was read a first and second time by its title and, pending its reference to a committee,

Mr. Carton moved that the rules be suspended and that the joint resolution be put on its immediate passage,

Which motion did not prevail, two-thirds of the members present not voting therefor.

The joint resolution was then referred to the committee on Judiciary.

MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,

Lansing, October 11, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following joint resolution:

House joint resolution No. 1 (File No. 1), entitled
Joint resolution proposing amendments to the Constitution relative
to the taxation of corporations,

And to inform the House that the Senate has amended the same as
follows:

By striking out lines 22, 23, 24, 25 and 26, and inserting in lieu thereof
the following:

Section 11. The Legislature shall provide a uniform rule of taxation,
except on property having specific taxes, and taxes shall be levied on
such property as shall be prescribed by law: Provided, That the
Legislature shall provide a uniform rule of taxation for such property
as shall be assessed by a State Board of Assessors, provided for by
this Constitution, and the rate of taxation on such property shall be
the average rate of taxation paid upon other property of this State
paying ad valorem taxes for State, county, township and municipal
purposes;

And further to inform the House that in the passage of the joint
resolution as thus amended the Senate has concurred, and has also con-
curred in ordering the joint resolution to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The question being on concurring in the amendment made by the
Senate to the joint resolution,

On motion of Mr. McCallum,

The joint resolution was referred to the committee on Judiciary.

On motion of Mr. McCallum,

The House adjourned until 9 o'clock tomorrow morning.

Friday, October 12, 1900.

The House met pursuant to adjournment and was called to order by
the Speaker.

Prayer by Representative Nevins.

Roll called: a quorum present.

Absent without leave: Messrs Bryan, Crosby and Schmidt.

On motion of Mr. Gillette,

Leave of absence was granted to all the absentees for the day.

The Speaker announced the following:

EXECUTIVE OFFICE,

Lansing, October 10, 1900.

Hon. Edgar J. Adams, Speaker House of Representatives:

My Dear Sir—I herewith acknowledge receipt of your communication
of October 9, inclosing resignation of Hon. George W. Reed, of Stan-
wood, Representative from Mecosta county.

I have the honor to be,

Yours respectfully,

H. S. PINGREE,

Governor.

Mr. Lusk offered the following:

Whereas, This House has learned with profound regret of the serious illness of Hon. Wm. F. Pack, a member of this Legislature from the county of St. Joseph, and at present in the service of his country bearing arms in the Philippines; and

Whereas, The conduct of our associate in this body, in all matters of legislation, was highly commendable, measuring up to the expectations of his constituency; and

Whereas, The devoted services of Lieutenant Pack in the Cuban campaign and subsequently in the distant Orient, is worthy of the greatest praise of this House and the gratitude of his countrymen; therefore

Resolved that this House hereby tenders our friend and associate our profound sympathy, good cheer and God-speed, hopeful that he may soon be blest with returning health, anxious as he is anxious, for the triumph of American arms, the recognition of American authority, and the glory of the American flag in those distant islands of the sea, and finally that our friend may return to receive the thanks, honors and confidences of his Michigan friends and neighbors.

Resolved, That these resolutions be spread upon the records of this House, and a copy, signed by the Speaker and Clerk thereof, be forwarded to Representative Pack.

The question being on the adoption of the resolution,

The resolution was adopted by an unanimous rising vote.

On motion of Mr. Colby,

The House took a recess until 10 o'clock this a. m.

AFTER RECESS.

10 o'clock a. m.

The House met and was called to order by the Speaker.

A quorum present.

On motion of Mr. Chamberlain,

Leave of absence was granted to Mr. Crosby indefinitely.

MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate respectfully to request of the House the return to the Senate of

House joint resolution No. 1 (File No. 1), entitled
Joint resolution proposing amendments to the Constitution relative to the taxation of corporations.

Very respectfully,

CHARLES S. PIERCE,
Secretary of the Senate

The question being on acceding to the request of the Senate for the return of the joint resolution,

The request was granted and the joint resolution was ordered returned to the Senate.

By unanimous consent:

By the committee on Judiciary:

The committee on Judiciary, to whom was referred the Senate amendment to

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to the Constitution relative to the taxation of corporations;

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House without recommendation, and ask to be discharged from the further consideration of the subject.

JAMES SCULLY,
Chairman.

Report accepted and committee discharged.

The Speaker directed that the joint resolution be returned to the Senate in accordance with the action of the House, just had.

INTRODUCTION OF BILLS.

Mr. Colby, previous notice having been given and leave being granted, introduced

House bill No. 3, entitled

A bill to repeal act number forty-two of the session laws of eighteen hundred forty-six, entitled "An act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and all acts amendatory thereto, and to provide for the necessary incidents to such repeal.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The rules were suspended, two-thirds of all members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and pending discussion,

Mr. Stewart demanded the previous question.

The demand was seconded.

The question being, "Shall the main question be now put?"

The same was ordered.

The bill was then passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich

Alward

Anderson

Babcock

Baumgärtner

Brownell

Mr. Hammond

Handy

Hart

Hatzenbuehler

Heck

Heineman

Mr. Nash

Nevins

Niedermeier

Oberdorffer

Randall

Read, J. H.

Mr. Burch	Mr. Hofmeister	Mr. Reed, W. A.
Burfoot	Howell	Robinson
Buskirk	Keep	Scully
Caldwell	Kelly	Shisler
Carton	Kerr	Soper
Chandler	Kingott	Stewart
Colby	Laflamboy	Stumpenhusen
Collins	Locher	Sutherland
Colvin	Lugers	Taziman
Dickinson	Lusk	Van Camp
Dingley	McCall	Waterbury
Doyle	McCallum	Wayne
Duff	McKay	Weier
Eikhoff	McLean	Wells
Foster	McLeod	Weter
Gillette	Mason	Wheeler
Goodrich	Miller	Whitney
Goodyear	Moore	Wood
Gustin	Murdock	Woodruff
Hall	Murphy	Speaker

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NAYS.

Mr. Burdick	Mr. Fleishhauer	Mr. Rulison
Chamberlain	Gordon	Watters
Dudley		

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Title agreed to.

On motion of Mr. Colby,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Colby, previous notice having been given and leave being granted, introduced

House bill No. 4, entitled

A bill to provide for the institution of actions against the State by railroad companies created, and which have heretofore existed under special charters, to recover damages sustained by reason of, and resulting from, the repeal of the special charter under which companies were created, organized, and existed prior to such repeal.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Gordon	Mr. Nash
Alward	Hall	Nevins
Anderson	Hammond	Niedermeier
Babcock	Handy	Oberdorffer
Baumgärtner	Hart	Randall

Mr. Brownell	Mr. Hatzenbuhler	Mr. Read, J. H.
Burch	Heck	Reed, W. A.
Burdick	Heineman	Robinson
Burfoot	Hofmeister	Rulison.
Buskirk	Howell	Scully
Caldwell	Keep	Shisler
Carton	Kelly	Soper
Chamberlain	Kerr	Stewart
Chandler	Kingott,	Stumpenhusen
Colby	Laflamboy	Sutherland
Collins	Locher	Taziman
Colvin	Lugers	Van Camp
Davis	Lusk	Waterbury
Dickinson	McCall,	Watters
Dingley	McCallum	Wayne
Doyle	McKay	Weier
Dudley	McLean	Wells
Duff	McLeod	Weter
Eikhoff	Mason	Wheeler
Fleischhauer	Miller	Whitney
Foster	Moore	Wood
Gillette	Murdoch	Woodruff
Goodyear	Murphy	Speaker
Goodrich		

NAYS.

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Title agreed to.

On motion of Mr. Colby,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Colby, previous notice having been given and leave being granted, introduced

House bill No. 5, entitled

A bill to repeal Act No. 113, of the Laws of 1846, entitled "An act to authorize the sale of the Southern Railroad and to incorporate the Michigan Southern Railroad Company," and provide for the collection and payment of any damages resulting from such repeal.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Hammond	Mr. Nash
Alward	Handy	Nevins
Anderson	Hart	Niedermeier
Babcock	Hatzenbuhler	Oberdorffer
Baumgärtner	Heck	Randall
Brownell	Heineman	Read, J. H.

Mr. Burch	Mr. Hofmeister	Mr. Reed, W. A.
Burdick	Howell	Robinson
Burfoot	Keep	Scully
Buskirk	Kelly	Shisler
Caldwell	Kerr	Soper
Carton	Kingott	Stewart
Colby	Laflamboy	Stumpenhusen
Collins	Locher	Sutherland
Colvin	Lugers	Taziman
Davis	Lusk	Van Camp
Dickinson	McCall	Waterbury
Dingley	McCallum	Weier
Doyle	McKay	Wells
Duff	McLean	Weter
Eikhoff	McLeod	Wheeler
Gillette	Mason	Whitney
Goodrich	Miller	Wood
Goodyear	Moore	Woodruff
Gustin	Murdock	Speaker
Hall	Murphy	

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NAYS.

Mr. Chamberlain	Mr. Fleischhauer	Mr. Watters
Dudley	Rulison	

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Title agreed to.

On motion of Mr. Colby,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

Mr. Colby, previous notice having been given and leave being granted, introduced

House bill No. 6, entitled

A bill to repeal Act No. 140, of the Laws of 1855, entitled "An act to authorize the consolidation of the Detroit & Pontiac and the Oakland & Ottawa Railroad Companies, so far as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit & Milwaukee Railway Company," and to provide for the payment of any damages resulting from such repeal.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Handy	Mr. Nevins
Alward	Hart	Niedermeier
Anderson	Hatzenbuhler	Oberdorffer
Babcock	Heck	Randall
Brownell	Heineman	Read, J. H.

Mr. Burch	Mr. Hofmeister	Mr. Reed, W. A.
Burdick	Howell	Robinson
Burfoot	Keep	Scully
Buskirk	Kelly	Shisler
Caldwell	Kerr	Soper
Carton	Kingott	Stewart
Chandler	Laflamboy	Stumpenhusen
Colby	Locher	Sutherland
Colvin	Lugers	Taziman
Dickinson	Lusk	Van Camp
Dingley	McCall	Waterbury
Doyle	McCallum	Watters
Duff	McKay	Wayne
Eikhoff	McLean	Weier
Fleischhauer	McLeod	Wells
Foster	Mason	Weter
Gillette	Miller	Wheeler
Goodrich	Moore	Whitney
Goodyear	Murdoch	Wood
Hall	Murphy	Speaker
Hammond	Nash	

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NAYS.

Mr. Chamberlain	Mr. Dudley	2
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Title agreed to.

MESSAGES FROM THE GOVERNOR.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, October 12, 1900.

To the House of Representatives:

The Senate has transmitted to me the following resolution:

"Resolved, That His Excellency, the Governor, be requested to send to the Legislature now in session, a special message on the subject of making an appropriation for the purpose of placing in a safe condition the north wing of the Industrial School for Boys, which is now unsafe."

The portion of the building which is declared to be unsafe contains the dining room. The architects and contractors who have examined the building report that the walls are in a very dangerous condition and that loss of life may happen at any time unless these walls are repaired and strengthened.

It appears that the Board of State Auditors has no power by law to authorize the trustees of the Industrial School for Boys to incur the expense for the necessary repairs, and there are no funds in the State treasury to the credit of this institution for the purpose.

I have heretofore refused requests for the submission to you of matters affecting localities, but as this is a matter involving possible loss of life, and as the Senate expresses a desire to legislate upon it, I take pleasure in submitting it to you for your consideration and for such action as you may see fit to take in the premises.

I understand that an appropriation not exceeding twenty-five hundred dollars will be necessary to make the repairs and put the building in a safe condition.

Respectfully submitted,
H. S. PINGREE,
Governor.

On motion of Mr. Lusk,
The message was referred to the committee on Industrial School for Boys.

By unanimous consent:

By the committee on Judiciary:

The committee on Judiciary, to whom was referred

House joint resolution No. 2, entitled

A joint resolution to amend sections one, five, eight, ten, twelve, fourteen, fifteen, nineteen and twenty, of article six, of the Constitution of this State, relative to the judicial department,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do pass, and ask to be discharged from the further consideration of the subject.

JAMES SCULLY,
Chairman.

Report accepted and committee discharged.

On motion of Mr. Lusk,

The joint resolution was laid on the table.

Mr. Kerr offered the following:

Resolved (the Senate concurring), That from and after Saturday, the 13th day of October, inst., the two Houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for presentation to the Governor and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the time of final adjournment of the Legislature shall be Monday, the 15th day of October, inst., at 12 o'clock noon of that day.

The question being on the adoption of the resolution,

Mr. Colby moved to amend the resolution by adding thereto the following:

Provided, That House bills Nos. 3, 4, 5 and 6 and joint resolution No. 1 have been concurred in by both Houses.

Which motion prevailed.

The resolution as amended was then adopted.

On motion of Mr. McCallum,

The House took a recess until 11:30 o'clock this forenoon.

AFTER RECESS.

11 o'clock a. m.

The House met and was called to order by the Speaker.

A quorum present.

By unanimous consent:

By the committee on Industrial School for Boys:

The committee on Industrial School for Boys, to whom was referred the message of the Governor relative to the appropriations required for the Industrial School,

Respectfully report that they have had the same under consideration and have directed me to report to the House that a bill providing for such appropriations has been introduced in the Senate and to recommend the passage of said bill after its receipt by the House, and ask to be discharged from the further consideration of the subject.

GEO. HOWELL,
Chairman.

Report accepted.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following joint resolution:

House joint resolution No. 1 (File No. 1), entitled

A joint resolution proposing amendments to the Constitution relative to the taxation of corporations.

And to inform the House that the Senate has amended the same as follows:

(1) By striking out of lines 10 and 11 the words "banking, railroad, plank road and other."

(2) By striking out of lines 12 and 13 the words "banking, railroad, plank road and other."

(3) By striking out of lines 15 and 16 the words "banking, railroad, plank road or other," and inserting in lieu thereof the word "such."

(4) By inserting in line 16, after the word "corporations," the words "as are."

(5) By striking out lines 22, 23, 24, 25 and 26 and inserting in lieu thereof the following:

Section 11. The Legislature shall provide an uniform rule of taxation except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the Legislature shall provide an uniform rule of taxation for such property as shall be assessed by a State board of assessors, and the rate of taxation on such property shall be the rate which the State Board of Assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for State, county, township, school and municipal purposes.

And to inform the House that in the passage of the joint resolution as thus amended the Senate has concurred, and has also concurred in ordering the joint resolution to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The question being on concurring in the amendments made by the Senate to the joint resolution,

Pending discussion,

Mr. Burdick moved that the House adjourn.

Which motion did not prevail.

Mr. Lusk moved that the consideration of the amendments to the joint resolution reported from the Senate be made the special order for 4 o'clock this afternoon.

Which motion did not prevail, two-thirds of the members present not voting therefor.

The question again being on concurring in the amendments made by the Senate to the joint resolution,

The House concurred, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Hall	Mr. Nash	
Alward	Hammond	Nevins	
Anderson	Handy	Niedermeier	
Babcock	Hart	Oberdorffer	
Baumgaertner	Hatzenbuehler	Randall	
Brownell	Heck	Read, J. H.	
Burch	Heineman	Reed, W. A.	
Burfoot	Hofmeister	Robinson	
Buskirk	Howell	Rulison	
Caldwell	Keep	Shisler	
Carton	Kelly	Soper	
Chamberlain	Kerr	Stewart	
Chandler	Kingott	Stumpfenhusen	
Colby	Laflamboy	Sutherland	
Colvin	Locher	Taziman	
Davis	Lugers	Van Camp	
Dickinson	Lusk	Waterbury	
Dingley	McCall	Watters	
Doyly	McCallum	Wayne	
Dudley	McKay	Weier	
Duff	McLean	Wells	
Fleischhauer	McLeod	Weter	
Gillette	Mason	Wheeler	
Goodrich	Miller	Whitney	
Goodyear	Moore	Wood	
Gordon	Murdoch	Woodruff	
Gustin	Murphy	Speaker	81

NAYS.

Mr. Burdick

Mr. Scully

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The joint resolution was then referred for enrollment and presentation to the Governor, under the rules.

The following is the joint resolution as finally passed by both Houses:

JOINT RESOLUTION proposing amendments to the Constitution relative to the taxation of corporations.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendments to the Constitution of the State of Michigan, be and the same are hereby proposed and submitted to the people of this State, that is to say, that section ten of article fourteen of said Constitution, be amended so as to read as follows:

Section 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes from corporations. The Legislature may provide for the assessment of property of corporations, at its true cash value, by a State Board of Assessors, and for the levying and collection of taxes thereon. All taxes hereafter levied on the property of such classes of corporations as are paying specific taxes under laws in force on November sixth, A. D. nineteen hundred, shall be applied as provided for specific State taxes in section one of this article.

That section 11 of article fourteen of said Constitution be amended so as to read as follows:

Section 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the Legislature shall provide an uniform rule of taxation for such property as shall be assessed by a State Board of Assessors, and the rate of taxation on such property shall be the rate which the State Board of Assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for State, county, township, school and municipal purposes.

That section 13 of article fourteen of said Constitution be amended so as to read as follows:

Section 13. In the year one thousand nine hundred and one, and every fifth year thereafter, and at such other times as the Legislature may direct, the Legislature shall provide for an equalization of assessments by a State board, on all taxable property, except that taxed under laws passed pursuant to section ten of this article.

And be it further Resolved, That the said proposed amendments be submitted to the electors of this State at the general election to be held on the first Tuesday after the first Monday in November, in the year nineteen hundred; that the Secretary of State is hereby required to certify this proposed amendment to the clerks of the several counties of the State, as required by section three thousand six hundred twenty-four of the Compiled Laws of eighteen hundred and ninety-seven, but it shall be sufficient if the same shall be so certified at least ten days before such election. The several county clerks shall, at once, upon the receipt of such certified amendment, convene the board of election commissioners of such county, and the said board shall forthwith prepare a ballot for the use of the electors desiring to vote upon said

amendment, which shall be substantially in the following form: At the top of each ballot shall be printed in bold face type the words, "Vote on the Amendments to the Constitution Relative to the Taxation of Corporations." Then shall follow:

"Amendments to the Constitution Relative to the Taxation of Corporations.

Yes.

Amendments to the Constitution Relative to the Taxation of Corporations.

No."

Such ballots, so prepared, shall be sent out by said board of election commissioners at the same time and in the same manner as the ballots to be used at said general election. And it shall be the duty of the board of election inspectors, at each voting precinct in this State, to see to it that each elector is furnished with a ballot relative to such proposed amendment, at the same time that he is furnished with a general ballot, and to inform such elector of the nature and purpose of it, and each elector shall be required, on coming out of the booth and tendering his vote to the inspectors of election, to produce and hand to such inspectors the ballot relating to such amendment, who shall place the same in the box prepared for that purpose.

All votes cast therefor shall be taken, counted, canvassed and returned, as provided by law for the election of State officers.

On motion of Mr. Colby,

The House took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

2 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Anderson offered the following:

Whereas, The "Grand Rapids Hydraulic Company," a corporation organized under special charter granted by Act No. 223 of the Public Acts of 1843, claims to have certain special privileges now deemed to be in conflict with the interests of said city by the public officials thereof; and now,

Whereas, It is deemed advisable by said municipality that said special charter so granted should be amended at the present session of the Legislature; therefore be it

Resolved, That the Governor be, and he is hereby requested to direct a message to the Legislature, giving it authority to act thereon under the call, and that a copy of these resolutions be transmitted to him immediately upon their passage.

The question being on the adoption of the resolution,

The resolution was then not adopted.

MESSAGES FROM THE SENATE.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following concurrent resolution:

Resolved (the Senate concurring), That from and after Saturday, the 13th day of October inst., the two houses of the Legislature will transact no other business than for the President of the Senate and Speaker of the House to sign enrolled bills for presentation to the Governor, and the entry of the same on the Journal by the Secretary of the Senate and the Clerk of the House, and the time of final adjournment of the Legislature shall be Monday, the 15th day of October inst., at 12 o'clock noon of that day: Provided, That House bills Nos. 3, 4, 5 and 6, and joint resolution No. 1, have been concurred in by both Houses;

And to inform the House that the Senate has concurred in the adoption of the resolution.

Very respectfully,
CHARLES S. PIERCE,
Secretary of the Senate.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following bill:

Senate bill No. 1, entitled

A bill making an appropriation for the Industrial School for Boys, for repairing and strengthening the north wing of the main building;

And to inform the House that the bill has passed the Senate and has been ordered to take immediate effect.

In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,
CHARLES S. PIERCE,
Secretary of the Senate.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Carton,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Alward	Mr. Gordon	Mr. Murphy
Anderson	Gustin	Nash
Babeock	Hall	Nevins
Baumgärtner	Hammond	Niedermeier
Brownell	Handy	Oberdorfer
Burdick	Hatzenbuhler	Randall
Burfoot	Heck	Read, J. H.
Buskirk	Heineman	Reed, W. A.
Caldwell	Hofmeister	Rulison
Carton	Howell	Scully
Chamberlain	Keep	Shisler
Chandler	Kelly	Soper
Colby	Kerr	Stewart
Colvin	Lafamboy	Stumpenhusen
Dickinson	Locher	Sutherland
Dingley	Lugers	Van Camp
Doyle	Lusk	Waterbury
Dudley	McCall	Watters
Duff	McCallum	Weier
Eikhoff	McKay	Wells
Fleischhauer	McLean	Wheeler
Foster	Mason	Whitney
Gillette	Miller	Wood
Goodrich	Moore	Woodruff
Goodyear	Murdock	Speaker

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NAYS.

Mr. Robinson

1

Title agreed to.

On motion of Mr. Howell,

By a vote of two-thirds of all the members elect the bill was ordered to take immediate effect.

The Speaker announced the following:

EXECUTIVE OFFICE,
Lansing, October 12, 1900.

To the House of Representatives:

In the act passed by you in the regular session, creating the Board of State Tax Commissioners, it is made the duty of the board, by subdivision 6 of section 150:

"To inquire into and ascertain the valuation of the properties of corporations paying specific taxes under any of the laws of this State, and to ascertain the actual rate of taxation, as based upon the valuation of said properties, that is being paid by said corporations, and to this end said boards shall require reports from, and make investigations, as to the properties of such corporations, in the same manner and to the same extent as if said corporations were paying taxes under this act."

It is also made the duty of the Board, by subdivision 9 of section 150 of that act:

"To further report to the Legislature at the beginning of the regular sessions, specifically, the true valuation of the properties of corporations paying specific taxes, and the rate of taxation actually paid on said valuation, and the true valuation of all other properties of the State and the rate of taxation the same are paying, to the end that the Legislature shall have the information necessary to rearrange the rate or system of taxation on said properties, so that all taxable properties of the State may be taxed uniformly."

Acting under authority of these two sections the Board of State Tax Commissioners has employed a force of men familiar with the property of railroads and other corporations now paying specific taxes, to appraise the property of such corporations so that its value may, in accordance with the law passed by you, be reported to the Legislature to convene on January 1st, next.

A considerable portion of the expense of this very necessary and important work has already been allowed by the Board of State Auditors, audited by the Auditor General, and paid by the State.

Some doubt has been expressed as to the constitutionality of the two sections above quoted of Act No. 154, Public Acts of 1899, creating the Board of State Tax Commissioners, which provide for these appraisals. Whether this doubt as to the constitutionality of these sections is well founded or not, it is certainly less expensive and more expeditious to enact a law at this session, under which the Auditor General will have full authority to audit the warrants for the expense of these appraisals, than to institute legal proceedings to compel the Auditor General to audit the warrants for these expenses. The question of unconstitutionality which has been raised is merely the technical one that the object of the law, in so far as the payment of the expenses of these appraisals is concerned, is not fully expressed in the title. No doubt has been expressed as to the constitutionality of the other provisions of the law.

The work of appraising railroad properties has proceeded so far that it would be very unwise to stop it by the failure to pass such law as is above suggested.

The most difficult part of the work has been completed. The board has found at least 200 miles of new railroads that have not heretofore been reported at all. The office records are complete in the case of all railroads except three, and the field inspection, that is, the actual examination of the property, is finished on 25 of the railroads, and this inspection is well under way in the case of the remainder of the railroads. The telegraph lines are about one-half finished, and the appraisal of the telephone companies' property is under way. The plank road and river improvement companies will be completed this month, if the work is not stopped by failure to provide for the payment of the expense of doing it.

The information relating to the value of property paying specific taxes is absolutely needed by the coming Legislature, particularly if that Legislature creates a State board of assessors for the purpose of assessing the property of these corporations upon its actual cash value. I think

it will be conceded by all that it would be folly to practically throw away the money thus far spent in making these appraisals.

I therefore submit this question to you so that you may enact a law to provide for the allowance and payment of expenses incurred by the Board of State Tax Commissioners in ascertaining and reporting the valuation of properties of corporations paying specific taxes under the existing laws of this State.

Respectfully submitted,
H. S. PINGREE,
Governor.

Thereupon,

Mr. Gustin asked unanimous consent to introduce a bill in accordance with the recommendation of the Governor.

Unanimous consent being given,

Mr. Gustin introduced

House bill No. 7, entitled

A bill to provide for the allowance and payment of expenses incurred by the Board of State Tax Commissioners in ascertaining and reporting the valuation of the properties of corporations paying specific taxes under the existing laws of this State.

The bill was read a first and second time by its title and, pending its reference to a committee,

Mr. Gustin moved that the rules be suspended and the bill be put upon its immediate passage.

Which motion did not prevail, two-thirds of all the members present not voting therefor.

The bill was then referred to the committee on Judiciary.

Mr. Chamberlain offered the following:

Resolved, That the Clerk of the House be and he is hereby directed to compile and prepare for publication, make indexes and superintend the publication of the Journals and documents of the present session of the House of Representatives, and when complete and certified to by the Speaker of the House, said Clerk shall be entitled to and shall receive the sum of one hundred and fifty dollars for such services; a warrant for the same to be drawn by the Auditor General on the certificate of said Speaker.

Which was adopted.

Mr. Fleischhauer moved that the House adjourn.

Which motion did not prevail.

On motion of Mr. McKay,

The House took a recess until 4 o'clock this afternoon.

AFTER RECESS.

4 o'clock p. m.

The House met and was called to order by the Speaker.

A quorum present.

Mr. Lusk moved that the House take a ten-minute recess, and that His Excellency, Governor Pingree, be invited to address the House;

also that a committee of three be appointed to wait on the Governor and request his presence.

Which motion prevailed.

The Speaker appointed as the committee under the motion Messrs. Lusk, Scully and Stewart.

Mr. Duff offered the following:

Resolved, That at the close of the Governor's remarks, Representative Lusk be requested to lead in the singing of "Michigan, My Michigan,"

Which was adopted.

After a short absence, the committee returned, accompanied by the Governor, who briefly addressed the members of the House.

At the close of the Governor's remarks, the House joined heartily in the singing of "Michigan, My Michigan."

The

RECESS

being closed,

The House was called to order by the Speaker.

A quorum present.

The Speaker announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 3 (File No. 2), entitled

A bill to repeal act number forty-two, of the session laws of eighteen hundred forty-six, entitled "An act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and all acts amendatory thereto, and to provide for the necessary incidents to such repeal;

And to inform the House that in the passage of the bill the Senate has concurred, by a two-thirds vote of all the Senators elect, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 4 (File No. 3), entitled

A bill to provide for the institution of actions against the State by railroad companies created, and which have heretofore existed under special charters, to recover damages sustained by reason of, and re-

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sulting from, the repeal of the special charter under which such companies were created, organized, and existed prior to such repeal;

And to inform the House that in the passage of the bill the Senate has concurred, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,

Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 5, entitled

A bill to repeal Act No. 113, of the Laws of 1846, entitled "An act to authorize the sale of the Southern Railroad and to incorporate the Michigan Southern Railroad Company," and all acts amendatory or supplementary thereto;

And to inform the House that in the passage of the bill the Senate has concurred by a two-thirds vote of all the Senators elect, and has also concurred in ordering the bill to take immediate effect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,

Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to return to the House the following bill:

House bill No. 6, entitled

A bill to repeal an act entitled "An act to incorporate the Detroit & Pontiac Railroad Company," approved March 7, 1834, and act number one hundred forty of the session laws of eighteen hundred fifty-five, entitled "An act to authorize the consolidation of the Detroit & Pontiac and the Oakland & Ottawa Railroad Companies, so as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit & Milwaukee Railroad Company," and all acts amendatory or supplementary thereto;

And to inform the House that in the passage of the bill the Senate has concurred by a two-thirds vote of all the Senators elect.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The bill was then referred for enrollment and presentation to the Governor, under the rules.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following bill:

Senate bill No. 2, entitled

A bill to repeal an act entitled "An act to incorporate the Erie & Kalamazoo Railroad Company," approved April 22, 1833, and all acts amendatory or supplementary thereto;

And to inform the House that the bill has passed the Senate by a two-thirds vote of all the Senators elect, and has been ordered to take immediate effect.

In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The bill was read a first and second time by its title and, pending its reference to a committee,

On motion of Mr. Colby,

The rules were suspended, two-thirds of all the members present voting therefor, and the bill was put upon its immediate passage.

The question being on the passage of the bill,

The bill was then read a third time and passed, two-thirds of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich	Mr. Hammond	Mr. Niedermeier
Alward	Hart	Oberdorffer
Anderson	Hatzenbuehler	Randall
Babcock	Heck	Read, J. H.
Baumgaertner	Heineman	Reed, W. A.
Burch	Hofmeister	Robinson
Burfoot	Howell	Rulison
Buskirk	Kelly	Scully
Caldwell	Kerr	Shisler
Carton	Kingott	Soper
Chamberlain	Laflamboy	Stewart
Chandler	Locher	Stumpfenhusen
Colby	Lugers	Sutherland
Colvin	Lusk	Taziman
Dickinson	McCall	Van Camp
Dingley	McCallum	Waterbury
Doyle	McKay	Watters
Dudley	McLean	Wayne
Duff	McLeod	Weier
Eikhoff	Mason	Wells
Fleischhauer	Miller	Weter

Mr. Gillette	Mr. Moore	Mr. Wheeler	
Goodrich	Murdock	Whitney	
Goodyear	Murphy	Wood	
Gustin	Nash	Woodruff	
Hall	Nevins	Speaker	78
	NAYS.		0

Title agreed to.

On motion of Mr. Colby,

By a vote of two-thirds of all the members elect, the bill was ordered to take immediate effect.

The Speaker also announced the following:

SENATE CHAMBER,
Lansing, October 12, 1900.

To the Speaker of the House of Representatives:

Sir—I am instructed by the Senate to transmit to the House the following concurrent resolution:

Resolved by the Senate (the House concurring), That the session laws of this special session be bound with the session laws of the next regular session of the Legislature, and not in a single and separate volume, except such number as may be required for immediate distribution, which shall be bound in paper covers.

And be it further Resolved, That all members of the present Legislature be supplied with a copy of the volume containing the session laws of both sessions, when printed and bound;

And to inform the House that the resolution has been adopted by the Senate. In this action of the Senate the concurrence of the House is respectfully asked.

Very respectfully,

CHARLES S. PIERCE,

Secretary of the Senate.

The question being on concurring in the adoption of the resolution,

The resolution was adopted.

By the committee on Judiciary:

The committee on Judiciary, to whom was referred

House bill No. 7, entitled

A bill to provide for the allowance and payment of expenses incurred by the Board of State Tax Commissioners in ascertaining and reporting the valuation of the properties of corporations paying specific taxes under the existing laws of this State;

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend that it do not pass, and ask to be discharged from the further consideration of the subject.

JAMES SCULLY,

Chairman.

Report accepted and committee discharged.

On motion of Mr. Scully,

The bill was laid on the table.

By the committee on Supplies and Expenditures:

The committee on Supplies and Expenditures has had under consideration the following bills:

Citizens' Telephone Company, telephone in Journal Clerk's office for session	\$5 00
Michigan Telephone Company, telephone in Clerk's office for session	4 48
Lewis M. Miller, Clerk, postage, telegram and long distance telephone (expenses for calling extra session).....	1 00

And respectfully recommend that the same be allowed and ordered paid, and ask to be discharged from the further consideration of the subject.

J. H. DICKINSON,
Chairman.

Report accepted.

The question being on the adoption of the report,

The report was adopted and the several amounts therein ordered paid.

Mr. Colby moved that when the House adjourn today, it stand adjourned until Monday next at 11:45 o'clock a. m.,

Which motion prevailed.

Mr. Stewart moved that the House adjourn;

Which motion prevailed, and

The Speaker declared the House adjourned until 11:45 o'clock a. m. on Monday next.

Monday, October 15, 1900.

The House met pursuant to adjournment and was called to order by the Speaker.

Roll called: not a quorum present.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House joint resolution No. 1 (File No. 1), entitled

Joint resolution proposing amendments to the Constitution relating to the taxation of corporations;

In accordance with the rules and order of the House, the receipt for the same being dated 7 o'clock p. m., October 13, 1900.

LEWIS M. MILLER,
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 4 (File No. 3), entitled

An act to provide for the institution of actions against the State by

railroad companies created, and which have heretofore existed under special charters, to recover damages sustained by reason of, and resulting from, the repeal of the special charters under which such companies were created, organized, and existed prior to such repeal;

In accordance with the rules and order of the House, the receipt for the same being dated 7 o'clock p. m., October 13, 1900.

LEWIS M. MILLER,
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 3 (File No. 2), entitled

An act to repeal act number forty-two of the session laws of eighteen hundred forty-six, entitled "An act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company," approved March 28, 1846, and all acts amendatory thereto, and to provide for the necessary incidents to such repeal;

In accordance with the rules and order of the House, the receipt for the same being dated 7 o'clock p. m., October 13, 1900.

LEWIS M. MILLER,
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 6, entitled

An act to repeal an act entitled "An act to incorporate the Detroit & Pontiac Railroad Company," approved March 7, 1834, and Act No. 140 of the Session Laws of 1855, entitled "An act to authorize the consolidation of the Detroit & Pontiac and the Oakland & Ottawa Railroad Companies, so as to form a continuous line from Detroit to Lake Michigan, under the name of the Detroit & Milwaukee Railway Company," and all acts amendatory or supplementary thereto;

In accordance with the rules and order of the House, the receipt for the same being dated 7 o'clock p. m., October 13, 1900.

LEWIS M. MILLER,
Clerk of the House.

By the Clerk:

I have to report that I have this day enrolled, compared and presented to the Governor,

House bill No. 5, entitled

An act to repeal Act No. 113 of the Session Laws of 1846, entitled "An act to authorize the sale of the Southern Railroad, and to incorporate the Michigan Southern Railroad Company," and all acts amendatory or supplementary thereto;

In accordance with the rules and order of the House, the receipt for the same being dated 7 o'clock p. m., October 13, 1900.

LEWIS M. MILLER,
Clerk of the House.

No further business appearing, and the hour of 12 o'clock noon having arrived,

The Speaker declared the House adjourned *sine die*.

CERTIFICATE.

**HOUSE OF REPRESENTATIVES,
Lansing, Mich., October 16, 1900.**

I hereby certify that the foregoing is a correct Journal of the proceedings of the House of Representatives of the Legislature of Michigan, for the extraordinary session of October, 1900.

**LEWIS M. MILLER,
Clerk of the House of Representatives.**

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STATE
PROPERTY